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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,919

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Nicholas Alexander Rutter

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OLIFF & BERRIDGE, PLC

P.O. BOX 320850

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT

PAPER NUMBER

2612

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/518,919	<b>Applicant(s)</b> RUTTER ET AL.	
	<b>Examiner</b> Julie Lieu	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-69 is/are pending in the application.
- 4a) Of the above claim(s) 70-78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-53, 55, 57, 58 and 67-69 is/are rejected.
- 7) ☒ Claim(s) 54, 56 and 59-66 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/7/02</u> .   | 6) <input type="checkbox"/> Other: _____                          |

*Allowable Subject Matter*

8. Claims 54, 56, 59-65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Applicant's Argument*

9. The Applicant presented the following arguments:

The Applicant argued that Rutter does not teach an alarm including at least a "first electrical connection means connectable to one of an external live power cable of a main circuit and a live side of a switch for a lighting circuit for supplying external power to said alarm circuit; second electrical connection means for connections of said live side of said switch for the lighting circuit; a circuit means connecting said electrical means to said alarm circuit for supplying said external power to said alarm circuit," as recited in claim 40.

The Applicant further argued that Rutter teaches an electrical connection means 66 in the form a power supply lines connecting the power from the light socket to the light bolt only when the light is switched on the power is supplied to the light socket; however, when the light is switched off, power is supplied to the circuitry of Rutter by a battery 24 which is recharged when the light is switched on.

### **DETAILED ACTION**

1. This Office action is in response to Applicant's RCE and amendment filed November 02, 2007. Claims 40, 44-47, 53-56, and 58-68 have been amended.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 40-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 40, line 11, "said electrical means" lacks antecedent basis. Does it refer to first electrical connection means or does it refer to second electrical connection means? Or is this electrical means something different from first and second electrical connection means? For examining purposes, it is presumed as any electrical connections.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 40-53, 55, 57, 58, and 67-69 are rejected under 35 U.S.C. 102(b) as being anticipated by Rutter (WO 00/21047).

Claim 40:

Rutter (herein after as WO'047) discloses an alarm for detecting radiation and/or pollutants such as smoke, carbon monoxide or the like having:

a housing means (figs. 1-3);

an alarm circuit including detection means for detecting said radiation and/or pollutants (abstract);

first electrical connection means, between the power supply a remote light switch, connectable to one of an external live power cable of a main circuit and a live side of a switch

(the light switch) for a lighting circuit for supplying external power to the alarm circuit (page 4, lines 11-22);

a second electrical connection means, between the remote light switch and the light, for connection to the live side of the switch for the lighting circuit;

circuit means connecting an to an external power supply for supplying power to the alarm circuit (page 4, lines 11-22);

first switch means 26 (fig. 1) mounted on the alarm housing and actuable by a user to generate a respective pulse for each actuation thereby; and

control means responsive to receipt of a preselected number of pulses over a preselected time period to apply a preset control signal to said alarm circuit;

wherein said alarm circuit is responsive to said preset control signal to reset or test said alarm in dependence on said preset control signal. See page 12 lines 19-21.

Claim 44:

The first switch means (remote light switch, see page 4, lines 11-22) is mounted remote from said alarm housing.

Claim 45:

It is inherent that the switch means of Rutter's system, which is the remote lighting switch, is adapted for connection to the live side of a switch for a lighting circuit.

Claim 46:

The alarm of Rutter has second electrical connection operable to receive pulses caused by user actuation of said switch between its on and off states and apply the pulses to the control means thereby to cause a preset control signal to be applied to the alarm circuit in response to

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generation of said preselected number of pulses over the preselected time period. See page 12, lines 19-21.

Claim 47:

The Rutter patent further comprises a switch means (remote lighting switch) for an external light source (the light bulb fitted in fitting 16) and actuable in response to generation of a preselected control signal to energize the light source.

Claim 48:

The Rutter system further comprises a relay (remote light switch) and a light source wherein the relay is actuable in response to generation of a preselected control signal to energize the light source. Page 6 line 14 to 7, line 2 and page 13, lines 8-13.

Claim 49:

In Rutter's, when the preselected number of pulses over said preselected time period is one, the control means is operable to apply a preset control signal to the alarm circuit thereby to reset the alarm. This number of pulses is implicitly suggested by the reference page 5, last paragraph.

Claims 50:

In Rutter, when the preselected number of pulses over the preselected time period is one, the control means is operable to apply a preset control signal to said alarm circuit thereby to test said alarm. This number of pulses is implicitly suggested by the reference page 5, last paragraph.

Claim 51:

In Rutter, when the preselected number of pulses over the preselected time period is 2, the control means is operable to apply a preset control signal to said alarm circuit thereby to test said alarm. This number of pulses is implicitly suggested by the reference page 5, last paragraph.

Claim 52:

In Rutter's, when the preselected number of pulses over the preselected time period is one, the control means is operable to apply a preset control signal to said alarm circuit thereby to test said alarm. This number of pulses is implicitly suggested by the reference page 5, last paragraph.

Claims 53 and 55:

The alarm circuit in Rutter's comprises means (TR1) for reducing and/or increasing the sensitivity of the detection means. Page 10 lines 14-16 and page 15, lines 3-4.

Claim 57:

The system of Rutter's also includes a battery 24 for supplying power to the alarm.

Claim 58:

The system of Rutter's also comprises a charging circuit 34 including the first electrical connection means for supplying power to a power rail for the alarm and for charging said battery. See fig. 4.

Claims 67-69:

The system Rutter, includes a switch means, which is a relay, for a light source external to the alarm, the switch means being actuable in response to triggering the alarm to energize the light source. Page 6 line 14 to 7, line 2 and page 13, lines 8-13.



***Response to Applicant's Argument***

10. Applicant's arguments have been fully considered but they are not persuasive.

11. The examiner submits that, in Rutter's system, there IS an electrical connection (first electrical connection means) to connect the external power supply (e.g. main power supply to a building) to a live side of the remote lighting switch to the light (page 4, lines 14-16) for supplying external power to the alarm circuit (page 4, lines 18-22). The Rutter system also has a second electrical connection means (connection means between the second side of the remote lighting switch and the alarm/light bulb device) for connection of the live side of the switch, that is when the remote lighting switch is closed or activated. The Applicant is correct that when the light of the Rutter system is switched off, power is supplied to the circuitry of Rutter by a battery. However, this difference is not claimed.

For the reason stated above, the Applicant's argument is not deemed persuasive.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long horizontal stroke extending to the right.

Julie Lieu  
Primary Examiner  
Art Unit 2612

Jan 05, 08